

Bus & Motorcoach NEWS

April 1, 2015

WHAT'S GOING ON IN THE BUS INDUSTRY

FMCSA under fire for its “flawed approach” to regulation

WASHINGTON — Complaints by the commercial motor vehicle industry about the Federal Motor Carrier Safety Administration's heavy-handed approach to regulatory initiatives appear to have caught the ear of at least one congressional Republican.

During a hearing last month of the Senate Commerce, Science and Transportation's Subcommittee on Surface Transportation, Sen. Debra Fischer, R-Neb., leveled some

harsh criticism against the FMCSA for its “flawed approach” to implementing safety initiatives.

Fischer, chairwoman of the subcommittee, said she plans to introduce reform legislation to make the FMCSA more accountable to Congress, more inclusive of industry stakeholders and more transparent in its rulemaking process. She also said she would sponsor legislation to require the agency to conduct more robust and

comprehensive cost benefit analyses of proposed regulations.

The FMCSA came under fire during the hearing for its reluctance to change its Compliance, Safety, Accountability program despite widespread concerns from all facets of the commercial motor vehicle industry, and for its handling of the 2013 changes to the federal hours-of-service rule for truck operators.

While it was asserted during

the hearing that the CSA program provides the FMCSA, state safety authorities and the industry with valuable information regarding carrier performance on the road, there also was testimony the system needs reform.

A key component of CSA — the Safety Measurement System (SMS) — uses carrier performance data collected from inspections and investigations to calculate safety scores for carriers and supposedly

identify those at high risk of causing a crash. The program then uses the scores to target high-risk carriers for enforcement actions.

However, a 2014 Government Accountability Office report identified flaws in the SMS that limit the accuracy of the scores in predicting crash risk. The report also questioned whether there was sufficient data from inspections and violations to assure that a carrier's

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Photo by David Braun Photography — Las Vegas

Seat companies optimistic about future of motorcoach industry

From where they comfortably sit, North America's leading transportation seat suppliers generally like what they see ahead for the private motorcoach industry.

Expectations of a rebounding economy, combined with the possibility of increased retrofit sales, have seat suppliers smiling.

“We believe the private-sector motorcoach market will see some modest growth over the next four to five years,” said Doug Oswald of American Seating in Grand Rapids, Mich.

“Although Greyhound's projected purchases are uncertain at best, the remainder of this segment should support growth in ex-

cess of inflation.”

Tony Cunnane of Kiel NA agreed that “the motorcoach market is definitely growing. Consumer confidence is very high, therefore people are traveling more or taking day trips shopping or to social outings, which they were not (doing) in the past few years. The growing job market has raised the need for commuter coaches from the suburbs to the downtown areas of major cities.”

Regulations requiring three-point passenger seatbelts in new motorcoaches are due to take effect in November 2016.

The National Highway Transportation Safety Administration

also is reconsidering whether older buses and motorcoaches should be retrofitted with three-point belts. (See March 1 *Bus & Motorcoach News*.)

“Safe retrofit options are not as straightforward as some would like to think,” Oswald said. “The economics of retrofit will greatly depend on the age of the vehicle and the floor and wall structure. It could be a \$20,000 to \$50,000 investment per coach.”

New motorcoaches sold in recent years have hit the road carrying belted seats with floor structures engineered to support the required loadings.

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Seat suppliers say they see an improving motorcoach industry.

CBA files complaint to block Visalia intercity bus service

VISALIA, Calif. — The California Bus Association has filed a complaint with the Federal Transit Administration seeking to block Visalia Transit from launching intercity bus service to and from Fresno in competition with private carriers.

Visalia Transit is FTA funded and received more than \$3 million in operating assistance and more than \$2 million in capital funds in

fiscal 2013, plus federal funds in prior years, according to the CBA complaint. Therefore, Visalia Transit “cannot claim an exemption from any federal statute, including the statute prohibiting the launching of a new intercity bus service in competition with private carriers,” says the complaint signed by Jim Seal, regulatory consultant to the CBA.

“There is existing intercity ser-

vice and they're trying to replace or put out of business private operators that already do the service,” Seal told *Bus & Motorcoach News*. “There is a long-established intercity service between Visalia and Fresno. This is nothing new.”

Monty Cox, city of Visalia transit manager, said he was aware of the complaint and spoke briefly to the FTA about it, but he added that he had not received a copy

from the CBA — even though he is listed as being copied.

Cox said it would be premature to comment further before the letter is evaluated, noting that the Visalia City Council would decide on any course of action.

“We need to review the concerns and address the points that may be valid,” he said.

The council in January voted unanimously to seek a \$538,053

grant from the San Joaquin Valley Air Pollution Control District that would pay for three 16-passenger buses and subsidize operations, according to a *Fresno Bee* report.

The shuttle would link the Fresno and Visalia airports, about 40 miles apart, and include other stops, according to local media accounts. The service was eyed for fall start-up.

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Silicon Valley shuttle drivers unionize; Apple hikes salaries

SAN FRANCISCO — Shuttle drivers who ferry workers at five tech companies between the Silicon Valley and San Francisco voted to join the Teamsters union to bolster their efforts at negotiating better pay and benefits.

Less than two weeks after the vote, Apple announced a 25 percent salary increase for drivers who shuttle the company's workers.

The *San Francisco Chronicle* reported last month that drivers working for Compass Transportation voted 104-38 in favor of joining the Teamsters union. The company drives workers to Apple, Yahoo, eBay, Zynga and Genentech. Drivers who serve Facebook voted earlier to unionize.

Union leaders said that tech shuttle drivers are underpaid, overworked and unfairly compensated for time spent on the job. Some of them work split shifts that require them to drive morning and evening shifts with no pay in between.

"We need wages commensurate with what it costs to live in this area, but it's not just about wages," said Tracy Kelley, a Compass driver. "It's about having better working conditions."

Kelley, a shuttle driver for

Yahoo, told the *San Jose Mercury News* that he and his fellow drivers make \$18 an hour, which leaves them struggling to get by in the pricey Bay Area.

Nine days after the vote, Apple said it would increase pay for shuttle drivers by an average of 25 percent, and would pay an even higher wage to drivers who work split shifts. The company didn't mention the union vote.

"We're working with the bus companies to help make a number of changes for the more than 150 drivers of our commute shuttles," said Apple spokeswoman Kristin Huguet.

In voting to join the Teamsters, the shuttle drivers are looking to a contract the union struck recently with Facebook's shuttle drivers as an example of what the union can do for them. The Facebook drivers,

who work for Loop Transportation, will receive paid sick and vacation time, full health care coverage and wages of up to \$25.

Drivers who work split shifts will make up to \$27.50 an hour to compensate them for the downtime.

Because the shuttle drivers work for transportation companies that contract with tech firms, their ties to successful companies like Apple are indirect. But advocates

point out that high-tech companies can afford to pay their skilled workers a median salary of \$118,700, compared with \$27,000 for low-skill workers.

"This is like chump change to them," said Rome Aloise, international vice president and secretary-treasurer of Teamsters Local 853. "You've got the well-paid being hauled around by people who can't afford to support their families."

Trailways names new CEO to replace retiring Gale Ellsworth

FAIRFAX, Va. — The Trailways Transportation System has named Sheila D. Ryba as its new president and CEO to replace longtime leader Gale C. Ellsworth, who retired on March 15.

Ryba brings experience with both profit and non-profit organizations to the Trailways leadership position. Her for-profit experience includes running her own consulting firm specializing in business development, lobbying, fund development and strategic planning.

Ryba also has led several non-profit organizations, including the Boys and Girls Club of Durham, the Alice Aycock Poe Center for Health

Education in Raleigh, the San Diego regional office for the American Heart Association and the Savannah Hospitality Association.

"We are delighted to welcome Sheila Ryba to the Trailways team," said Ron Moore, chairman of Trailways and president of Iowa-based Burlington Trailways. "She brings impressive experience to us that will enable Trailways' brand building and expansion throughout North America and beyond."

Ryba, who was introduced at Trailways' 79th annual stockholders meeting and conference in Palm Springs in March, shared her vision for Trailways' future growth

on several fronts, including charter business growth and partnerships with state and local municipalities to help them build municipal transportation systems.

"Those who have come before me have built a respected American business icon, and though I am looking at some very big shoes to fill, I am excited about helping our team members find even more ways to build their businesses," she said.

Ryba takes over leadership of Trailways from Ellsworth, who served as president and CEO for nearly 18 years. Trailways' board and members credit Ellsworth's

leadership with helping revitalize the network's brand and grow the organization. Since she became president in mid-1997, Trailways has more than doubled in size.

Founded in 1936, Trailways is comprised of independently owned or operated motorcoach companies located throughout the U.S., plus one in Canada and a pair in Europe. Roughly a quarter of Trailways' members operate school buses.



Sheila D. Ryba

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THE DOCKET

Smile: You might be filmed while idling in Manhattan

NEW YORK CITY — Motorcoach drivers operating in New York City are used to evading distracted jaywalkers. Now they might have to be on the lookout for pedestrian paparazzi.

City officials, frustrated by their unsuccessful attempts to rid Manhattan of idling vehicles, are looking to enlist members of the public to videotape offenders. And they are willing to pay them for their trouble — if their video footage results in fines.

City Council members Helen Rosenthal and Donovan Richards are backing a bill that would give citizens up to 50 percent of the summons revenue if they catch someone breaking the idling law, take a video and submit it to the Department of Environmental

Protection.

The lawmakers said the city is inundated with complaints about exhaust fumes from idling cars, trucks and buses. Rosenthal said her office has fielded several complaints about tour buses that linger in front of the Upper West Side's Dakota Building, where former Beatle John Lennon was killed.

Idling limits of three minutes have been in place in the city since 1971, and the restrictions recently were shortened to one minute for vehicles parked in front of schools.

But data show that despite repeated efforts by lawmakers to toughen the law, enforcement has remained sporadic at best.

"We know if you walked around City Hall for a day probably you could issue a thousand (citations),"

Richards said. "We're here today because obviously the city has not done enough."

Sharing the wealth

The bill proposed by Richards and Rosenthal would require the DEP to hold at least five yearly training seminars to instruct citizens on how to record offending cars, trucks and buses in the act and upload the video onto a department website. If a judge then fines the driver, the person who submitted the video will receive half the value of the ticket.

The bill would keep first-time idling violations punishable by just a warning, but would boost fines for second offenses to between \$350 and \$1,500. Any subsequent violations within a two-year period

would yield even stiffer fines of between \$440 and \$2,000.

"On my block alone, I could produce 20 tickets a day, easily," George Pakenham, an anti-idling advocate who made a documentary on the issue called "Idle Threat" in 2012, told the *New York Post*.

He said he has documented his own encounters with roughly 2,900 idlers over a five-year period, and that he was successful in getting 80 percent of them to turn off their engines by pointing out the environmental impact and the city laws.

"This is going to be the thing that makes the entire difference," Pakenham said of the bill. "This will be just the tonic to have people engaged and earn a great deal of money along the way."

States should be free to add tolls

WASHINGTON — U.S. Rep. Paul Ryan, R-Wis., favors changing federal law to afford state governments the "freedom to choose" to implement tolled highways.

Speaking with the editorial board of *The Journal Times*, a Racine, Wis., newspaper, the chairman of the House Ways and Means Committee said that establishing such tollways is "something that Wisconsin ought to have the freedom to choose."

"We shouldn't be denied the ability to do it if we want to," he explained. "That's the point I would make. It's more of a states' rights thing."

Per the newspaper report, Ryan did not explicitly support toll roads in Wisconsin. However, he said the House Transportation and Infrastructure Committee may take up the tolling issue this year.

As for replenishing the federal Highway Trust Fund, *The Journal Times* reported that Ryan said there are funding fixes other than relying on fuel-tax receipts that could prove out over the long haul (such as mileage-based user fees).

But he asserted these solutions are not ready for implementation now.

"What I'm trying to do is figure out... a bridge financing piece to get us a highway bill until we can come up with a better system to finance us long term," Ryan told the newspaper.

Niagara Falls names new tourism chief

NIAGARA FALLS, Ontario — Niagara Falls Tourism has named a new executive director, a position that had been vacant for more than four years.

The tourism organization hired Niagara native Catherine McNabb, who has more than 25 years of tourism and hospitality experience, including senior roles in Tourism Toronto, Hong Kong, Beijing, Shanghai, Singapore and Bangkok, Thailand.

McNabb most recently served as director of the Singapore Tourism Board and as vice president of sales and marketing for Dusit Hotels and Resorts, a Thailand-based luxury hotel group.

Brooklyn Bridge repairs to take money, another year

BROOKLYN, N.Y. — Repair work on the iconic Brooklyn Bridge is \$100 million over budget and the completion date has been pushed back at least another year, according to the *New York Daily News*.

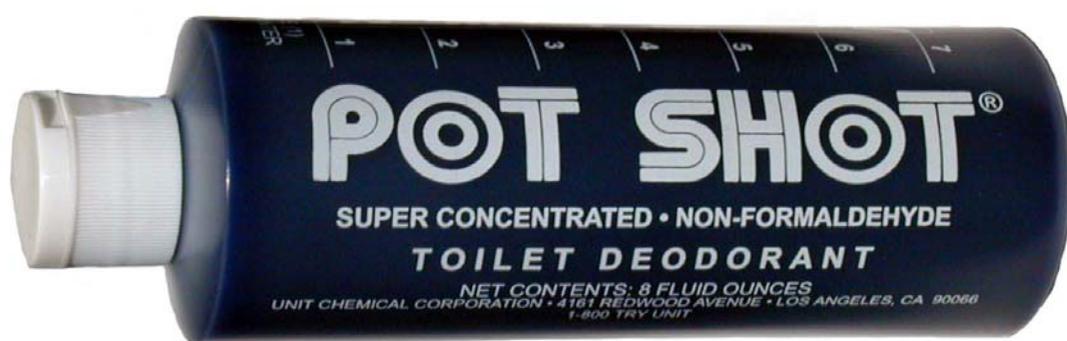
The newspaper reported that engineers discovered more than 3,000 new structural problems on the bridge, including cracks in steel beams and fraying cables. The new damage will increase repair costs to more than \$600

million.

Full reopening of the 132-year-old bridge, which connects Brooklyn with lower Manhattan, was set for last April but was delayed for a year. The New York City Department of Transportation said the

work now is scheduled for completion sometime in 2016.

Workers already have reconstructed the north and south upper roadways, replaced the lower roadway and installed a truss-stiffening system.



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Small operators speak loudly against higher insurance

WASHINGTON — Small motorcoach operators often complain that they don't get any respect from the Federal Motor Carrier Safety Administration.

The FMCSA's regulatory process seems to favor the big companies, they say, leaving the little guys to fend for themselves.

So when the FMCSA requested comments on its plan to double the minimum liability insurance requirement for motorcoach operators in the name of improving highway safety, the little guys made sure to tell the agency in no uncertain terms how they felt about the impending increase.

"We have worked hard for over 31 years to serve the public," wrote Wilnette Morgan of Morgan & Sons Week-End Tours of Greensboro, N.C.

"We know that passengers are the most precious cargo to be carried and we take great pride in doing this job," Morgan said. "We struggle hard enough to keep up with 'new laws' and 'new regulations.' We struggle hard enough to please all those who look to us for safe, courteous and reliable transportation.

Return of an era

"It is already a tremendous responsibility to make enough money to keep our operations in compliance. This decision, if it is passed, will put a lot of people out of business. The larger companies are more financially able and prepared to accept this kind of change and they will survive. It would not be fair for us to go back to the era of 'Greyhound and Trailways' only."

The FMCSA proposal calls for raising the current \$5 million insurance minimum on motorcoach operators to at least \$10 million, and possibly to as much as \$25 million.

By the time the comment peri-

od ended on Feb. 26, more than 2,100 stakeholders had weighed in with their opinions. Many motorcoach operators who sent in comments disputed the FMCSA's claims that higher insurance minimums would result in safer carriers and fewer serious accidents.

"I am struggling to understand the logic that higher limits will lead to a reduction in crashes or foster a culture of risk management and safety," wrote Godfrey LeBron of Paradise Travel in Amityville, N.Y. "Higher limits will not drive 'unsafe carriers' out of business. I have never met a carrier that thinks of risk and insurance at the same time."

Jim Weeks of Capital, Colonial and Southern Trailways in Montgomery, Ala., noted that there has been no evidence presented to support the safety theory.

"The FMCSA has not been able to provide any support showing a correlation between increased liability insurance minimums and a decrease in the number of motorcoach accidents, injuries and fatalities," he said. "There is no evidence to indicate that passenger carriers take more risks when they know they are insured."

Numerous commenters referred to statistics offered by Lancer Insurance Company, the nation's largest bus and motorcoach insurer. According to its filed comments, since 1985 Lancer has managed more than 70,000 claims from bus and motorcoach accidents, including nearly 24,000 with injuries.

Accounting for inflation, Lancer stated, "Approximately one-tenth of one percent of the liability occurrences we managed would have exceeded \$5 million in damages."

A different statistical base sug-

gests that less than one-tenth of one percent of motor carrier accidents have exceeded \$5 million in settlements.

"To my knowledge we have never had a liability claim close to \$1 million," commented James Lienhart of Arrow Coach Lines in Little Rock, Ark, which has been operated by his family since 1944. "The goal should be removing the bus companies that are operating under the radar, bus companies that are ignoring laws already in place."

Roxanne Gillis of NW Navigator Luxury Coaches in Beaverton, Ore., said the company has been operating for about seven years and has never come close to a \$100,000 claim.

"Increasing this limit is unnecessary and would triple my already high insurance premiums," she wrote. "This is brought on by the mega coach operators who are trying to put the smaller carriers out of business."

Lone supporter

In fact, the only motorcoach operator to publicly support the increased insurance minimum is Greyhound Lines, the nation's largest private bus company. Greyhound told the FMCSA that the current \$5 million minimum "appears far too low to provide adequate protection to today's traveling public."

William Schoolman of Classic Coach in Bohemia, N.Y., said the only result of raising the insurance limits above \$5 million will be to "give big scheduled line run carriers like Greyhound a competitive advantage by increasing the costs dramatically to smaller operators and (to) give more money to insurance companies."

Several small operators said the real winners, besides large

bus companies, would be lawyers, who will use the higher minimums as an excuse to seek higher settlements.

"Obtaining insurance is already burdensome and expensive for motorcoach carriers," said Tom JeBran, president of Trans-Bridge Lines in Bethlehem, Pa., and former chairman of the American Bus Association. "The higher the limits of the policy, the more the plaintiffs will seek, and the awards will be at the higher end of the limits. This will continue to drive up the cost of all insurance."

Higher stakes

Higher insurance minimums would increase the cost of liability claims by putting higher stakes on the table, said Gladys Gillis of Starline Luxury Coaches in Seattle. "Liability limits create a playing field for attorneys. This idea was likely brought forward by attorneys or their lobbyists."

One of the most common

concerns of small operators is their ability to remain in business if they are required to pay substantially more in insurance premiums.

Annual insurance costs for his eight-motorcoach fleet would increase from \$70,000 to \$250,000, estimated James Kelton of Kelton Tours in Gadsden, Ala. "Any significant increase in the mandatory liability insurance limit will force numerous small- and medium-sized bus and motorcoach operators out of business and ultimately result in less competition, higher prices for the traveling public and a significant loss of jobs," Kelton said.

"The traveling public is best served by a continued emphasis on compliance oversight and swift enforcement by the federal government, with the goal always being to take bad bus and motorcoach operators off the road and acknowledge the safety commitment of good operators," he added.

Idaho and Utah look to hike fuel taxes for road projects

BOISE, Idaho — Idaho and Utah are the latest in a growing number of states pushing for increases in fuel taxes to fund transportation projects.

A group of Idaho lawmakers has introduced a transportation-funding bill that would increase the state's diesel tax by 12 cents a gallon and gasoline tax by 8 cents a gallon. It also would increase vehicle registration fees by 25 percent.

The legislation would raise \$200 million to cover a shortfall in funding necessary to repair Idaho's roads and bridges.

In Utah, legislation that would raise taxes on gasoline by 10 cents a gallon and diesel by 5 cents a gallon is expected to reach Gov. Gary Herbert's desk this spring. The increases are designed to raise \$40 million a year to help pay for road maintenance projects and to alleviate congestion along interstate and major highways in the state.

The proposals in both states are the latest examples of legislatures trying to raise money for transportation projects that they normally would rely on the feder-

al government to help fund. Given the uncertainty over whether Congress will pass a long-term highway funding bill this spring, states are scrambling to avoid having to halt projects that already are underway or postpone planned infrastructure improvements.

Several states, including Pennsylvania, North Carolina, Florida and Iowa, already have implemented fuel tax increases this year, and nearly a dozen others are considering similar measures.

"With the uncertainty of when, or even if, Congress will authorize the rest of the 2015 program, Utah and other cold-weather states may miss this construction year for a full third of our programs," Utah Department of Transportation Executive Director Carlos Braceras told a Senate panel earlier this year.

"It will also force us to advertise projects late in the construction season, resulting in less competitive bidding, less value for the public's investment and the potential for delaying important and needed projects that will improve communities and their economies."

FMCSA says driver harassment is not tied to e-logs

WASHINGTON — The FMCSA has released the results of a survey that it says fails to show a connection between driver harassment and the use of electronic logging devices.

"The evidence in this survey research does not support concluding that harassment occurs due to being in a situation where (hours of service) are logged using (electronic logging devices)," says the agency report.

The FMCSA commissioned MaineWay Services to conduct the survey, for which 628 commercial vehicle drivers were interviewed around the country last

spring. Just over half of the participants used e-logs to track their hours of service.

The interviews asked drivers to describe typical interactions with their carriers, what types of interactions constituted harassment, whether they felt their companies harassed them and, if so, whether the harassment was tied to the use of electronic logging devices.

One-third of the drivers indicated they considered it harassment when their carriers asked them to drive while tired, to falsify their logs, or to delay a scheduled break, but only 10 percent of driv-

ers reported receiving such requests on a routine basis.

Two more common types of harassment were reported by 19 percent of the drivers: a request to meet an unrealistic schedule and the interruption of a driver's off-duty time at least twice a month.

Drivers who use electronic logs reported frequent off-duty interruptions 7 percent more often than drivers who used paper logs.

The FMCSA stressed, however, that 98 percent of drivers using electronic logs who reported experiencing harassment on a monthly basis felt the harassment could not be attributed to the e-log.

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The USDOT biennial update: It still prevails

WASHINGTON — With the Federal Motor Carrier Safety Administration in the midst of overhauling the system for registering interstate motor carriers (think FMCSA/USDOT- and MC-number systems), there appears to be confusing information floating around about the current biennial update required by the FMCSA.

Words of advice: Don't panic, but also do not forget to file.

If you are a motor carrier regulated by the FMCSA, you must up-

date your federal registration information — form MCS-150 — every two years or face a \$1,000 per day fine for every day it's not renewed. The fine is capped at \$10,000.

The form must be filed before motor carriers begin operations and every 24 months according to a schedule based on the digits at the end of your USDOT/FMCSA number.

For example, if that number is 1, you must file by the last day of January; 2 by last day of February;

3 is March; and so on. If it's zero, you must file in October.

For those who pride themselves on getting ahead of the game, you'll want to hold off. Only MCS-150 forms filed in the month they are due count. If you file in the preceding month, you'll just have to do it again.

If the next-to-last digit of your number is odd, you need to file the update in every odd-numbered calendar year. If the next-to-last digit of the number is even, you

need to file the update in every even-numbered calendar year.

The FMCSA issues what is known as a warning letter in the mail — not via email — at least 30 days in advance of a biennial update deadline.

To file your biennial update free of charge, go to www.fmcsa.dot.gov/BiennialUpdate, sign in using the PIN provided in your warning notice from FMCSA, and complete the biennial update process.

The procedure will ask you to submit a credit card for verification of identity, but will not charge the card.

You may also complete the biennial update process by mail or by fax. Go to the website and request or download the MCS-150 form. Complete the form and follow the provided instructions for mailing or faxing it to FMCSA.

For more information, call (800) 832-5660.

According to the FMCSA, biennial updates are processed immediately if done online, but updates filed by fax or mail may take three to four weeks to process.

If you are a member of the United Motorcoach Association and have questions or need assistance completing the update, call the association at (800) 424-8262.

For nearly 20 years, the USDOT has been working on a system that would overhaul and consolidate the existing FMCSA system for registering interstate motor carriers, and for the filing of insurance coverage and agent-for-service-of-process designation.

Although the rule establishing the revamped system was published in 2013, it did not include the technical specifications for the data processing changes that must take place to implement it. (See Nov. 15, 2013, *Bus & Motorcoach News*.)

Those changes are supposed to be ready later this year. As regular readers of this publication are aware, the FMCSA is not great at meeting deadlines.

When the new system does go into effect, it is supposed to combine 16 current FMCSA forms into one, the projected MCSA-1, which carriers and other entities will be required to file electronically.

California approves DME as transportation fuel

SACRAMENTO — The California Department of Food and Agriculture has approved the use of dimethyl ether, or DME, as a transportation fuel in diesel engines, which could accelerate the use of the clean-burning fuel in the trucking and motorcoach industries.

While other states allow the use of DME, approval in California is seen as a milestone that will benefit the state's environment and its growing DME industry.

Rebecca Boudreaux, president

of San Diego-based Oberon Fuels Inc., the first company to manufacture fuel-grade DME in North America, said the approval by California is "a key step in increasing confidence among distributors, engine manufacturers and fleet owners that DME is ready for commercial markets."

DME is a methane-based fuel that burns clean and can be derived from a variety of sources, including natural gas and animal and agricultural waste. It functions similarly to propane for en-

gine conversion and storage purposes but gets a similar power performance to diesel.

Volvo has been developing DME with Oberon Fuels for use by the commercial vehicle industry and has been working to build infrastructure and engines to take advantage of the fuel.

DME also is being tested on motorcoach engines and is being used to power a shuttle bus at Penn State University. The fuel is used extensively in China for taxis and transit vehicles.

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CARB critic James Enstrom wins victory for academic freedom

By Carly F. Gammill

LOS ANGELES — After two and a half years of litigation, James E. Enstrom, a former researcher at the UCLA School of Public Health, has obtained a tremendous victory for academic freedom in his case against several individual UCLA officials, including the former Dean of the School of Public Health and the former chair of the school's Environmental Health Services Department.

A longtime — and lone — critic of diesel regulations in California, including the science allegedly supporting the need for those regulations, Enstrom dedicated much of his career to diesel particulate matter research, reaching conclusions that were directly opposed to the majority position

taken by his colleagues in the UCLA School of Public Health and adopted by the California Air Resources Board (CARB) in support of onerous — and, according to Enstrom's research, entirely unnecessary — diesel regulations.

After Enstrom published his findings, and publicly exposed both the fraudulent credentials of the lead author on CARB's report on diesel particulate matter and mortality in California and the unlawful tenure of several members on CARB's Scientific Review Panel (including one of his UCLA colleagues), the EHS Department abruptly ended his appointment of more than 34 years as a UCLA researcher.

In 2012, the American Center for Law and Justice filed suit on behalf of Enstrom alleging that UCLA officials unlawfully termi-

nated his appointment as a researcher in violation of his First Amendment rights and mishandled tens of thousands of dollars of his funding.

Following multiple unsuccessful attempts to have the lawsuit dismissed and an extensive discovery process, which included the depositions of several key UCLA officials, the University of California Regents agreed to a settlement of the case on terms extremely favorable to Enstrom.

Not only did the regents agree to pay Enstrom \$140,000, but they also have effectively rescinded the termination, agreeing to his use of the title "Retired Researcher" (as opposed to acknowledgment as a non-titled terminated employee) and his continued access to UCLA resources he previously enjoyed

during his appointment.

"This is a fantastic result for Dr. Enstrom," said David French, ACLJ senior counsel. "Dr. Enstrom has dedicated himself to public advocacy on significant scientific issues, at no small cost to himself because of the controversial nature of his research. It was a privilege assisting Dr. Enstrom in obtaining this terrific settlement."

The settlement is particularly important to Enstrom because, he says, "it shows that UCLA and the UC Regents have not been able to suppress a politically incorrect scientific dissenter. Indeed," he added, "the timing couldn't be better, as the very scientific issue underlying this lawsuit is now being addressed by the U.S. Congress as the Secret Science Reform Act, H.R. 1030."

This settlement marks a victory not just for Enstrom but for academic freedom generally. It sends a resounding message to public universities that attempts to silence dissenting viewpoints and eradicate opposition to institutional orthodoxy are costly — and ultimately losing — battles.

It should also serve as encouragement for the numerous scholars who, like Enstrom, struggle against the academic mainstream to persevere in their important endeavors. The ACLJ is extremely pleased with this outcome on behalf of Enstrom and the precedent it sets for the ongoing protection of academic freedom in our nation's institutions of higher education.

Carly F. Gammill is an attorney with the American Center for Law and Justice.

Sticking point: The 30-hour workweek and the health care law

There is widespread speculation that the new Republican-controlled Congress will attempt to change the federal health care law requirement that businesses provide health insurance to workers who clock as few as 30 hours a week, or pay a penalty.

Republicans now in control of the Senate would like to alter the law's definition of a full-time workweek from 30 hours to 40 hours or more.

Such a move would require President Barack Obama's approval, however.

Starting this year, companies with at least 100 full-time workers are required to offer health coverage or face fines ranging from \$2,000 to \$3,000 per employee.

Those with at least 50 full-time equivalent workers must provide coverage to their full-timers by 2016 or risk facing the penalties.

With the law's current definition of a full-time workweek at 30 hours, there is widespread speculation many employers will reduce the weekly hours for employees working at or slightly above 30 hours weekly.

Most often, employers say they can't absorb the costs of providing all of their employees with health coverage that complies with the current rules.

Most work 40 hours

Of the roughly 144 million people with jobs in the U.S. in October, about 46.6 million, or 32 percent, worked between one and 39 hours a week, while 97.2 million worked 40 hours or more, according to the U.S. Bureau of Labor Statistics.

That agency defines part-time as less than 35 hours weekly.

The GOP-controlled House of

Representatives, in an April vote, backed raising what qualifies as a full-time workweek under the health law to 40 hours a week, from 30. Obama, at the time, threatened to veto such a change and likely would do the same this year.

In the wake of the November election, House Speaker John Boehner said the 40-hour definition remained one of his top agenda items for the new Congress.

Here's an example of the kind of bind employers are being put in because of the health care law requirements:

Say a company has a staff of just over 100 workers and it offers an employer-sponsored health plan to all full-time workers, covering 20 percent to more than 50 percent of their monthly insurance costs.

However, not all employees have signed onto the plan. At least some of those employees, espe-

cially those at the lower end of the pay scale, may be eligible to receive subsidies for individual plans they purchase through the federal government or via state health-insurance exchanges if the company's health plan costs more than 9.5 percent of their income.

For every full-time employee who receives such subsidies, the company may face a \$3,000 fine. Consequently, extending the definition of full-time to 40 hours would put most businesses in much better shape. If fewer employees are considered full-timers, the penalties a business would face would be significantly less.

The law exempts businesses of all sizes from having to offer coverage to part-timers working less than 30 hours weekly. It also doesn't require businesses with fewer than 50 full-time workers to offer employee health coverage to

employees.

Critics of a 30-hour workweek threshold for full-timers say they worry that smaller employers who still employ at least 50 full-time workers may seek to cut back some workers' hours in an attempt to avoid the health law requirements altogether.

The proposal to raise the full-time workweek definition to 40 hours for the purposes of the health law would likely require support from at least 60 votes in the Senate. Republicans have 54 seats, but some Democrats also support the proposal.

It is unclear how such a change would affect the motorcoach industry because a lot of drivers work irregular hours (60 one week, 20 the next) in charter and tour coaches. Look for updates about the impact on full-time equivalents in future *Bus & Motorcoach News* editions.

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Your humble columnist shares the secret of perpetual motion

By Dave Millhouser

Second only to the search for the Holy Grail, mankind's quest for a "perpetual motion" machine has consumed the imagination and energy of generations of scientists, visionaries and...con men.

In 1872, John Keely founded the Keely Motor Company and seduced a number of wealthy investors who bought stock based on the claim that his invention created motion without any external source of power.

Like other efforts to produce free energy, Keely's plan violated Newton's Law of Thermodynamics, and his investors paid the price. The machine was a fraud and they lost millions.

Humanity has searched unsuccessfully for centuries for perpetual motion, but I, your humble columnist, have finally found it.

Government agencies have very nearly become perpetual motion machines. Have you ever heard of one "spinning down" to a stop? They create problems, then solve them. When they fail to resolve a problem (which may not even exist), they tell us that if we just gave them a little more money, all would be well.

A bureaucracy's primary goal is protecting and expanding...itself. Any good that's accomplished is a secondary benefit.

A recent example seems to support this view. That perennial favorite, the IRS — already in the process of hiring more agents to collect penalties associated with new laws — has requested additional funding because it can only afford to answer half the calls it gets for help in tax preparation.

That sort of gives you a window into the bureaucratic mindset regarding priorities — grim determination to enforce rules, regardless of whether they are intelligible or effective. There always seem to be two goals: adding revenue and growing the agency.

When you deal with a regulatory body and try to insert common sense, you're told that their hands are tied. Searching for a real decision maker, you get lost in a bureaucratic maze that seems created just to make sure that those who decide are never identified. Often they are folks with political skills, but they are clueless about the activities they regulate.

The (NOT) great philosopher Jonathan Gruber said, "Lack of transparency is a huge political ad-

vantage." Gruber has been vilified for lots of things, but in this case he spoke the truth.

The Federal Motor Carrier Safety Administration's conclusion to actually honor court decisions in its data collection activities should have taken minutes, not months.

A certain measure of regulation, and a degree of bureaucracy, is necessary, but only as the means to accomplish worthwhile stuff.

Bureaucrats are tools

Hammers can be used to build...or destroy. The same is true of bureaucracy. Problems develop when agencies forget that they are tools.

There are two points to be made here.

If Keely's investors had insisted on a working prototype before investing, they'd have saved their millions. Instead, they accepted unsubstantiated claims, assuming they were smarter than Newton. There was no objective outside evaluation until it was too late.

Which brings us to the second point. When Keely's motor was finally examined, engineers discovered that a hidden source of energy (compressed air) was actually driving the mechanism. It looked

like results were being produced, but they were an illusion.

What's the point?

Translate that to the regulatory environment, and it might look like this:

Before a rule is instituted, test it for real effectiveness. Does it accomplish stated goals? And, if it does, do they matter? Or does it just make folks feel good because they see motion? Run objective trials over a period of time, rather than promulgating rules quickly to solve an issue perceived as urgent. Doing nothing might be safer than acting quixotically.

Is there objective evidence that the FMCSA stats actually are predictive of safe operation? Do new technologies measurably help? Have added bus inspections, the typical knee-jerk reaction to visible crashes, been shown to reduce accidents?

Don't mandate anything before there's a genuine body of evidence that it actually works. Resist the temptation to "do something" to quickly solve problems that have been around forever. After a rule is in place, objectively review the findings. Take that evaluation out of the hands of enforcement agen-

cies that have a stake in the results.

The FMCSA's touting of the number of "unsafe" companies it has shut down, as opposed to documenting

objective advances in safety, is what happens when the fox gets to guard the chickens. These are the same folks who took months to decide that court decisions in traffic cases were relevant.

When agencies create their own goals, they're easy to fulfill. Like Keely's motors, it involves lots of motion created by murky sources of energy.

Business's have to do more with less, while bureaucracies seem to do less with more. Until legislators take an active interest, they have no incentive to do better. And lawmakers won't act if we don't force them to because it would involve hard work.

Now that I've solved "perpetual motion," it's on to "cold fusion."

Dave Millhouser is a bus industry marketing consultant and freelance writer. Contact him by email at Davemillhouser@gmail.com.



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Daimler picks Charleston, S.C., for Sprinter plant

STUTT GART, Germany — Mercedes-Benz Vans announced it will invest about \$500 million to build a plant in Charleston, S.C., to build the next-generation Sprinter van for the North American market.

In its passenger configuration, the Sprinter is popular with many North American coach operators.

Mercedes-Benz Vans, the Daimler unit responsible for the company's commercial-van business, announced late last year it had initiated a search for a plant site, suggesting it could be in the

U.S., Canada or Mexico. (See Dec. 1 *Bus & Motorcoach News*.)

The plant location was officially announced last month in Charleston by Mercedes-Benz and state government officials.

The 200-acre-facility will feature a new body shop, paint shop and assembly line. Construction is to begin next year.

Officials said the plant is essential because they expect the large van segment to grow rapidly in North America over the next few years.

Sales of new-model, full-size

commercial vans rose more than 11 percent in 2014 as several manufacturers transitioned to European-style vans and phased out less fuel-efficient models.

Having a U.S. plant will alleviate the high U.S. import duties and complex disassembly process the company is currently using to ship Sprinters made in Germany for sale in the U.S.

The Mercedes Benz Vans division also announced last month it will add the Metris series of medium-sized vans to its product range in the U.S. beginning this fall.

Canada to focus on attracting U.S. tourists

OTTAWA — Three years after abandoning the promotion of Canadian leisure travel to Americans, the federal government is poised to jump back into that market to take advantage of the low Canadian dollar, the Toronto Globe and Mail reports.

After seeing its budget slashed by 20 percent in 2012, the Canadian Tourism Commission shifted its tourist marketing to other countries and halted all U.S. leisure travel promotion, although it continued to promote Canadian busi-

ness and convention travel in the United States.

The move to halt tourism promotion in the U.S. was widely criticized since Americans make 70 per cent of all trips into Canada. The commission said at the time that it would get a better return on investment in high-growth nations where travelers spend more per capita, and left it up to the provinces and other organizations to promote themselves south of the border.

Now that the Canadian dollar

— or loonie — has declined in value relative to the U.S. dollar, the commission has made it a priority to resume selling Canada as an affordable tourist destination to Americans. It is especially important since growth in travel to Canada from the United States has essentially stalled, while the number of travelers from other countries is increasing sharply.

It is unclear, however, whether Canada will increase its overall tourism marketing budget or merely shift money to U.S. promotion.

Weather, fuel prices slow growth at megabus, Coach USA/Coach Canada

PERTH, Scotland — Revenue at Coach USA/Coach Canada and megabus.com grew at a modest pace during November, December and January, reflecting the impact of bad weather and reduced fuel prices on intercity bus travel.

Still, Stagecoach Group, the corporate parent of Coach USA/Coach Canada and megabus, said there has been no significant change “to our expectation of North America operating profit for the year ending April 30, 2015.”

Reflecting the November-through-January challenges, revenue at Coach USA/Coach Canada and megabus grew only 1.9 percent during the nine months ended Jan. 31 on a like-for-like basis.

In a “trading update,” Stagecoach Group also noted that revenue grew by 10.3 percent at megabus.com during the nine-month period. Revenue at megabus grew by 14 percent during the first six months of fiscal 2015. (See Jan. 1 *Bus & Motorcoach News*.)

“The rate of revenue growth is below that experienced earlier in the year reflecting (a) the effect of the significant fall in fuel prices

on demand for our services, particularly intercity coach services on our megabus.com network, and (b) lower revenue growth in December and January for both megabus.com and non-megabus.com services, partly due to the effects of adverse weather conditions,” Stagecoach said in its trading statement.

“The operating environment in North America remains competitive, but we continue to see market opportunities within the division,” the company added.

The North American operation was the slowest-growing unit of Stagecoach Group during the nine-month period ended Jan. 31.

Revenue during the 40 weeks ended Feb. 1 at Stagecoach Group's regional bus operation in the United Kingdom was 2.7 percent higher; London bus revenue was up 9.8 percent; U.K. rail was up 7.6 percent; and Virgin Rail Group up 6.7 percent.

Stagecoach said the overall profitability of the company “has remained satisfactory, and there has been no material change to our expected (annual) earnings.”

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Visalia

CONTINUED FROM PAGE 1

“We get requests for (the service) all the time,” Cox told the *Bee*.

Greyhound offers four trips a day from Fresno to Visalia and five from Visalia to Fresno, according to a schedule attached to the CBA’s complaint.

Additionally, Classic Charter

Inc. provides private charter services — sedans, vans and coaches — between the two cities, but it doesn’t provide any daily shuttles or single-ticket sales.

There also is Amtrak Thruway service between Visalia and Hanford, Calif., a station that offers connections to San Joaquin Amtrak trains serving Fresno.

The CBA complaint notes that, according to Visalia Transit, the

shuttle service between Visalia and Fresno would cost more than \$800,000 over a three-year trial period, including capital and operations, putting the cost more than \$200,000 beyond the grant request.

The Visalia City Council also failed to ask about potential negative environmental impacts from using San Joaquin Valley Air Pollution Control District money to duplicate existing private service

between the cities, the CBA complaint says.

“...No information was presented analyzing all existing private services along the proposed intercity route, how perceived demand for additional duplicating intercity service can be objectively quantified and why it would be environmentally beneficial to duplicate existing bus service or to divert intercity passengers from private

operators,” the complaint continues.

“Inexplicably, the most obvious and most cost-effective solution was never discussed at the City Council meeting and that would be to work with the (air pollution control district) to issue an RFP to private operators to add local stops on existing routes or services,” the complaint says.

Seal said that subsidizing existing private operators to add stops would cost a fraction of the amount in the Visalia proposal.

“There is absolutely no way, there is absolutely no justification for predatory competition from a publicly subsidized agency when they don’t even know what the market is about,” Seal said.

The CBA complaint is the latest in a series of challenges to public transit agencies that allegedly violated the federal charter service rule, which prohibits agencies that receive taxpayer funds to buy and maintain buses from operating the buses, or allowing them to be operated, in competition with private operators.

Last May, the FTA fined New Jersey Transit \$10,000 for allowing its largest contractor, Academy Bus, to use taxpayer-funded buses for private shuttles to and from a professional golf tournament in 2013. New Jersey Transit challenged the fine, but the FTA rejected the appeal. (See March 1 issue of *Bus & Motorcoach News*.)

People

SAN LUIS OBISPO, Calif. — *John Busskohl* has been named CEO of **Silverado Stages**.

Busskohl has been an executive in the bus and motorcoach industry for the past 24 years and has managed large, multi-market organizations for most of that time.



John Busskohl

His family was one of the founding shareholders of **Coach USA**, and he served as West region vice president and vice president of sales at Coach USA and one of its off-shoots, Coach America.

He also held management positions with **Ryan’s Express** and **Keolis Transit America** (formerly Tectrans).

“We are thrilled to bring John on board at Silverado as our new leader,” company founders Sharon and Jim Galusha said in a release. “We are confident in his experience and abilities and excited for the future of the company.”

In January, Silverado Stages won the UMA Vision Award/Large Operator at UMA Motorcoach Expo in New Orleans.

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Holly Hoglund Klein of Hoglund Bus dies in accident



Holly Hoglund Klein

MONTICELLO, Minn. — Holly Hoglund Klein, the president and owner of Hoglund Bus Company for the past four years, died last month in a seven-vehicle crash on Interstate 94 outside of Hasty, Minn. She was 44.

The Minnesota State Police said Hoglund Klein's 2013 Buick Enclave was involved in a chain-reaction collision on March 3 initiated by a semi-truck that was approaching slowing and stopped traffic in icy road conditions.

The semi struck several vehicles, apparently including Hoglund Klein's car, which in turn collided with other vehicles. She was the only fatality, while two other drivers suffered non-life-threatening injuries.

Hoglund Klein took over as president and owner of Hoglund Bus Company, which sells school buses, commercial buses and trucks, in 2011 from her parents, Lisa and Wayne Hoglund. Two years later, IC Bus recognized her as one of the company's four Pursuit of Excellence Award winners.

Hoglund Klein was a mother of three and the wife of Tom Klein, a history teacher and basketball coach at Saint Thomas Academy in Mendota Heights. The couple's two sons, Gabe and Devin, attend the school and they also have a younger daughter, Elle.

Jim Gruber, general manager of Hoglund Bus, told *School Transportation News* that the company was devastated by the loss of their leader, but was rallying behind her legacy by continuing with business as usual.

Gruber said that Hoglund Klein's parents have reassumed ownership of the company.

Hoglund Klein's grandparents Stuart and Arleen Hoglund started the business as a school bus service contractor in 1947. Hoglund Bus Co. became an International trucks dealer in 1956 and three years later began selling International school buses. Wayne and Lisa Hoglund became the owners in 1980.

In an obituary written by her husband, Hoglund Klein was described as being "raised with the strong values of family and Catholic tradition." She graduated in 1989 as the salutatorian from Monticello High School, and went on to graduate with honors from the University of Saint Thomas with a master's degree in international management.

After working for several years as an operations manager for the emerging markets division of Cargill, Inc., Hoglund Klein returned home in 1999 to work in her family's business.

As a third-generation family owner, Hoglund Klein led an era of

expansion and growth for Hoglund. She grew the sales territory in Minnesota and Iowa, taking on several new product lines, and expanded the company's commercial bus sales into Wisconsin. She also opened satellite service locations in Roseville and Lakeville, Minn.

In 2007 she helped found a new

company, Hoglund Body and Equipment, opening a full-service bus and truck body shop. During her 15 years with the company, Hoglund Klein oversaw the growth of the company from a local bus dealer with 40 employees to a regional leader in the transportation industry with nearly 90 employees.

Her crowning achievement was when the company was named the 2012 National Dealer of the Year for IC/Navistar.

"Holly always demanded the best from herself and fully immersed herself in the business of transportation," Tom Klein wrote.

Hoglund Klein, who founded

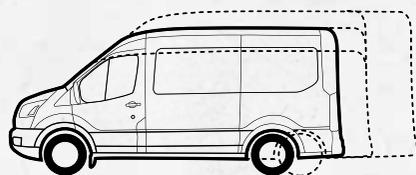
WIT (Women in Transportation), was a leader in the growth of women's involvement in the transportation industry and was dedicated to her employees.

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Seats

CONTINUED FROM PAGE 1

“We do not expect much impact in the private sector on account of the fact that most carriers have been purchasing three-point belted seats for a few years,” Oswald said.

As for retrofit demand, he added, “We do not think it will amount to much unless the ridership forces it.”

Demand for belts?

Kiel’s business plan is based on expectations that ridership will demand belted seats in the older

motorcoaches. The company is headquartered in Nordlingen, Germany, but has manufacturing facilities around the world. Its U.S. base is in Elkhart, Ind.

“The retrofit market has already begun and will increase once the laws take effect in 2016,” Cunnane said. “If a customer gets on a

coach one day that has seatbelts and then gets on a coach the next day that does not have a seatbelt, natural instinct is going to make them feel unsafe and they won’t want to ride in that coach. This will drive operators to retrofit.”

The issue of consumer sentiment regarding seatbelts was a fre-

quent conversation topic among operators at UMA Motorcoach Expo in New Orleans.

Scenarios such as this were overheard: An operator is hired to take seven coaches full of Big State University marching band members to a bowl game and only part of the operator’s fleet carries seatbelts. How will that sit with the university transportation department?

Getting it right

Engineers at Amaya-Astron Seating in Mexico City are working with engineers at the motorcoach manufacturers to resolve retrofit issues, said Donovan Albarran, export sales director.

“The U.S. federal mandate for seatbelt seats will be just for new coaches, but we are sure that many operators will look for the option to implement a retrofit program in order to offer belted seats to their passengers,” Albarran said.

“Right now, our three-point seatbelt seats represent 70 percent of our complete production with the goal to be ready for 2016.”

The seatbelt mandate and the addition of accessories, such as power outlets and USB ports, prompted a wholesale reconfiguration of motorcoach seating design, Cunnane said. “The seat needed to comply with the seatbelt law requires significantly more strength and therefore adds weight and bulk. Kiel, he said, has had time to develop a seat that meets such structural strength while also providing the maximum hip-to-knee space for increased comfort and the lightest weight for fuel savings.”

American Seating debuted a new seat line, Wayfarer, at Motorcoach Expo.

The seats feature three-point belts and a thin-profile back as well as optional 110-volt, USB and audio outlets, airline-style television screen, tray table and cup holder.



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— Ray Sargoni, President
Gray Line of San Francisco, San Jose & Monterey
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Calendar

April 2015

7-8 Northwest Motorcoach Association Mechanic Training and General Meeting, Interstate Wood Products and Red Lion Hotel, Kelso, Wash. Info: www.nwmotorcoach.com.

12-15 Ontario Transportation Expo Conference and Trade Show, Sheraton Toronto Airport Hotel and Conference Centre. Info: www.omca.com.

June 2015

25-28 New England Bus Association Annual Conference, Mountain View Grand Resort & Spa, Whitefield, N.H. Info: www.newenglandbus.org.

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Risk of accidents is higher in people with sleep apnea

DARIEN, Ill. — A new study finds that obstructive sleep apnea is associated with a significantly increased risk of motor vehicle accidents, and this risk is reduced when sleep apnea is treated effectively using continuous positive airway pressure (CPAP) therapy.

Results show that patients with sleep apnea were nearly 2.5 times more likely to be the driver in a motor vehicle accident, compared with a control group of other drivers in the general population. Further risk analysis found that severe excessive daytime sleepiness, a

short sleep duration of five hours or less, and use of sleeping pills were independent predictors of increased crash risk in patients with sleep apnea.

The study also found that the incidence of motor vehicle accidents was reduced by 70 percent among sleep apnea patients who used CPAP therapy for an average of at least four hours per night.

“This study provides very strong evidence that obstructive sleep apnea patients have an increased traffic accident risk and that this risk can be modified if

CPAP treatment is used adequately,” said principal investigator and senior author Dr. Ludger Grote, associate professor at the Center for Sleep and Vigilance Disorders at the Sahlgrenska Academy at the University of Gothenburg in Gothenburg, Sweden.

Study results are published in the March issue of the journal *SLEEP*.

Drowsy driving

“Excessive daytime sleepiness is a common symptom of obstructive sleep apnea, which can cause you to awaken in the morning feeling tired and unrefreshed despite a full night of sleep,” said American Academy of Sleep Medicine President Dr. Timothy Morgenthaler. “Effective identification and treatment of sleep apnea is essential to reduce avoidable, life-threatening accidents caused by drowsy driving.”

The AASM reports that obstructive sleep apnea (OSA) is a

common sleep disease afflicting at least 25 million adults in the U.S. Sleep apnea warning signs include snoring and choking, gasping or silent breathing pauses during sleep. The AASM and other partners in the National Healthy Sleep Awareness Project, which is funded by the Centers for Disease Control and Prevention, urge anyone with symptoms of sleep apnea to visit www.stopsnoringpledge.org to pledge to “Stop the Snore” by talking to a doctor.

Middle-aged men

Led by Grote and lead author Mahssa Karimi, the research team studied 1,478 sleep apnea patients with a mean age of 54 years. Seventy percent were men. Objective motor vehicle accident data were analyzed from the Swedish Traffic Accident Registry (STRADA).

The control population of 635,786 driver’s license holders included 21,118 individuals with a

record of at least one motor vehicle accident during the study period. Sleep apnea patients were involved in 82 motor vehicle accidents while driving during the study period, including 56 accidents in the five years prior to diagnosis and 26 accidents in the five years after diagnosis. Objective CPAP adherence data were obtained from the device at follow-up visits.

The authors noted that the effect of OSA on motor vehicle accident frequency may be even higher in other countries. The AAA Foundation for Traffic Safety estimates that drowsy driving may cause 328,000 motor vehicle accidents and 6,400 fatal crashes on U.S. roads each year.

The study was supported by the ResMed Foundation, the Philips Respiroics Foundation and the Swedish Heart and Lung Foundation.

This article was written by the American Academy of Sleep Medicine.

SEEKING PRESIDENT

Keystone Futures LLC is assisting a central Tennessee based motor coach operator in finding its President. The company, having multiple operations, is a provider of charter transportation, contracted transit/shuttle services as well as maintenance related programs. A highly organized, results focused, people and customer oriented individual with strong business, sales and leadership skills is desired.

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FMCSA

CONTINUED FROM PAGE 1

SMS score could be reliably compared with scores for other carriers.

The GAO report concluded that these challenges raise questions about whether the FMCSA is able to identify and target the carriers at highest risk for crashing in the future.

To address these challenges, GAO recommended that the FMCSA revise the SMS methodology to better account for limitations in available information when drawing comparisons of safety performance across carriers.

The FMCSA disagreed with the GAO’s recommendation, contending that the SMS sufficiently prioritized carriers for intervention, and did not take any actions.

Susan Fleming, director of infrastructure issues for the GAO, told the subcommittee that there are questions about the reliability of the CSA’s Safety Measurement System in predicting carrier crashes, as well as the agency’s ability to determine the prevalence of so-called chameleon carriers operating on U.S. highways using different company names.

“We agree with FMCSA that a data-driven approach is critical for accomplishing its mission,” Fleming said. “However, we do not believe the agency has developed the most effective methods for using its data to target carriers presenting the greatest safety risk.”

Christopher Hart, acting chairman of the National Transportation Safety Board, testified his agency has identified shortcomings in FMCSA investigations of motor carriers that have allowed deficient carriers to continue to operate.

“The NTSB has issued 126 safety recommendations to the FMCSA, and more than half of them remain open,” Hart told the subcommittee.

In remarks, Subcommittee Chairman Fischer said that “some of the FMCSA’s actions over the past years challenge our shared goal of enhancing safety.”

She focused much of her criticism on truckers’ hours-of-service rule, which required drivers to take off two consecutive periods of 1 a.m. to 5 a.m. during a 34-hour restart.

As part of a funding law it passed in December, Congress suspended the rule through Sept.

Final electronic logs rule is delayed, then accelerated

WASHINGTON — The Federal Motor Carrier Safety Administration first postponed — then accelerated — next fall’s projected publication date for a final rule requiring commercial motor vehicle drivers to use electronic logging devices.

The final rule, originally scheduled for publication in the Federal Register on Sept. 30, was pushed

back to a Nov. 9 publication date by the FMCSA. However, days after announcing the delay, the agency reversed course and said it was changing the publication date back to Sept. 30.

The FMCSA has worked for several years to require electronic logging devices to measure compliance with hours-of-service regulations. The agency said requiring

the devices would improve safety by reducing fatigue-related crashes resulting from drivers falsifying their records to work more hours.

A previous rule concerning the use of electronic logging devices was vacated in 2011 after an appellate court ruled that motor carrier operators could use the devices to harass drivers. (See related story on page 6.)



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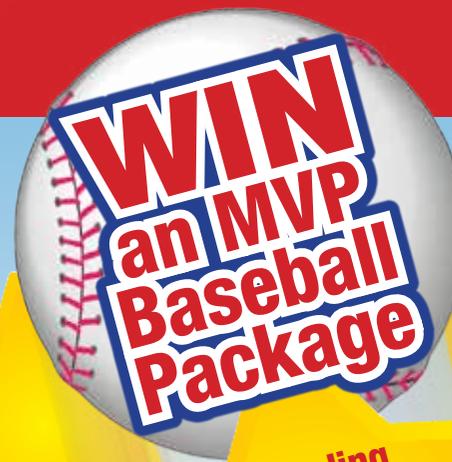
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